

## REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action received from the Patent Office dated May 16, 2008. In the Office Action, the Patent Office rejected Claims 3 and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the Office Action, the Patent Office rejected Claims 8, 9 and 10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Moreover, the Patent Office has rejected Claims 14 under 35 USC § 102(b) as being anticipated by *Finley et al.* (U.S. Patent Number 6,313,545).

By the present amendment, Applicant has amended Claims 3 and 13, and has withdrawn claims 8-10 and 14. Applicant submits that the amendments and accompanying remarks overcome the rejections and objections to the claims by the Patent Office.

The Patent Office rejected Claims 3, and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Patent Office states that Claim 3 is unclear and indefinite. For example, one cannot have "a tiered set of one baffle" as suggested in the alternative at line 2. Claim 3 line 3, "the set" and "the baffle set lack clear antecedent basis. Claim 3 "such that the discharge rate of fluid" is incomplete. Claim 13 calls for "discharge riser having openings", claim 4 calls for a plurality of holes on a riser. It appears that they are the same; therefore they should be related. Applicant has amended Claim 3 and 13 to overcome the rejections. Applicant respectfully submits that the amendment overcomes the rejection. Notice to that effect is requested.

The Patent Office rejected Claims 8, 9 and 10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Patent Office states that the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Furthermore, the Patent Office states that Claims 8, 9 and 10 calls for the "lower inlet area of a baffle" to be less than the "non-overflow inlet area of the discharge

riser". However, the "inlet area" is described in the specification as pertaining to the area of opening 122 which is approximately equal to the area defined by lower edge 121 minus the cross section area of riser 110. The examiner notes in the specification page 3, the language called for in claims 8, 9 and 10 are stated therein. However, such subject matter is not described in such a way as to enable one skilled in the art to make and/or use the invention as claimed. Applicant has withdrawn Claims 8-10. Applicant respectfully submits that the application is now in condition for allowance. Notice to that effect is requested.

The Patent Office rejected Claim 14 under 35 USC § 102 as being anticipated by *Finley, et al.* (US 6313545). *Finley et al.*, discloses a flow limiting inlet structure (see Fig. 14) comprising a discharge riser (this is considered member (20)) surrounded by a tiered set of nested baffles (40) wherein an inlet area of the set increases as fluid depth increases. Applicant has withdrawn Claim 14. Applicant respectfully submits that the application is now in condition for allowance. Notice to that effect is requested.


Claims 5, 7, 11-13 depend from Claim 4. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 3-4, 14 and 15 since each sets forth additional novel steps of the Applicant's Drainage Management Systems and Method.

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,  
RUTAN & TUCKER

Dated: August 16, 2008

By



Hani Z. Sayed  
Reg. No. 52544

Rutan & Tucker  
611 Anton Blvd., 14<sup>th</sup> Floor  
Costa Mesa, CA 92626-1931  
Telephone (714) 641-5100  
Fax (714) 546-9035